

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

No. 5:02-CR-00281-BO-1

UNITED STATES OF AMERICA,

v.

MATTHEW EARL JOHNSON,

Defendant.

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ORDER

This matter is before the Court on Defendant's motion for a copy of his June 19, 2003 sentencing transcript without payment of costs. [DE-32.] Defendant contends that he is indigent and unable to pay the \$54.75 copy costs. In support of his motion, Defendant provided a copy of his inmate account record, which reflected a balance of \$19.95 as of February 17, 2011. However, as recently as January 9, 2011, Defendant's account contained sufficient funds to pay the copy costs. Furthermore, Defendant did not state in his motion the purpose for which he requires a copy of his sentencing transcript. *See Jones v. Superintendent, Virginia State Farm*, 460 F.2d 150, 152 (4th Cir.1972) ("An indigent is not entitled to a transcript at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw.") Judge Boyle recently denied Defendant's December 14, 2010 motion to appoint counsel to pursue a sentence reduction because "the defendant cannot prevail on his attempt to have the Government move to reduce his sentence" and "the appointment of counsel to pursue such a claim would be futile and a waste of limited judicial resources." February 1, 2011 Order [DE-29]. Finally, Defendant does not have a proceeding pending, *e.g.*, a § 2255 proceeding, such that the Court would be required to provide a transcript copy at the Government's expense pursuant to 28 U.S.C. § 753(f).

Accordingly, Defendant's motion is **DENIED**.

This the 22nd day of March, 2011.

A handwritten signature in black ink, appearing to read 'David W. Daniel', written over a horizontal line.

DAVID W. DANIEL
United States Magistrate Judge